REMARKS

The Office Action mailed July 3, 2008, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claim Status

Claims 1 – 3 and 5 – 8 are pending in the subject Application. By this Amendment, Claim 3 has been amended. Consequently, the claims under consideration are believed to include Claims 1 – 3 and 5 – 8.

Claim Rejections Under 35 U.S.C. §103

Claim 1 – 3 and 5 – 8 stand rejected under 35 USC § 103(a) as being unpatentable over Choi, et al., (Coloration Technology (2001), 117(3), 127-133) in view of Hoppe, et al., (US 5,160348). Applicant respectfully can not agree and courteously traverses this rejection.

The Office states:

> "With regards to claim 1 and 3, Choi et al teaches a dye mixture wherein the at least one dye is a dye of formula (2') (P129, left column, table 1, "navy" or "black" formulation, dye 12)
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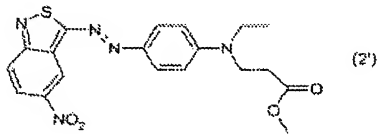
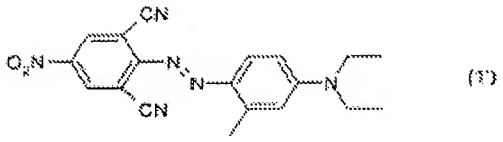
> 
> (2')
>
> in conjunction with a dye (P129, left column, table 1, "navy" or "black" formulation, dyes 4 and 7) similar in structure to that of formula (1').
>
> However, Choi et al does not specifically teach comprising the at least one dye of of formula (1')



Hoppe et al discloses a preferred dye mixture comprising the dye of formula (1') (C8, formula A) used in conjunction with a dye (C8, formula B) similar in structure to that of formula (2'). Furthermore, Hoppe teaches a dye mixture comprising the dye of formula (1') and a dye of formula (12) (C8, formula D, see also C7/L64-65)

Choi et al and Hoppe et al disclose analogous inventions related to mixtures of azo disperse dyes. It is known in the art that azo dyes of formulas (1') and (2') are useful in dyeing hydrophobic material and that mixtures of various azo dyes afford improved dye deposition and fastness on hydrophobic material as evidenced by Choi et al., (P133, right column, first paragraph, L1-6) and Hoppe et al (C8/L61-65). Therefore, one of ordinary skill in the art would have been motivated to combine the dye of formula (2') disclosed by Choi et al with the dye of formula (1') and (12) disclosed by Hoppe et at in a dye mixture because the combination would afford a dye mixture free of charged dyes capable of dyeing hydrophobic material in a predictable manner. This would amount to nothing more than substituting dyes of similar structure to obtain the predictable result of improved dye deposition and fastness on hydrophobic material such as cellulose acetate and polyester.

Furthermore, the combination of the dye of formula (2') disclosed by Choi et al with the dye of formula (1') and (12) disclosed by Hoppe et at in a dye mixture would amount to nothing more than combining two compositions each useful for the same purpose in order to form a third composition used for the same purpose since it has been held that "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." In re Kerkhoven, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). See MPEP 2144.06."

The Office attempts to invoke Choi, et al , and Hoppe, et al., for the teaching of the instantly claimed invention. However, the Office, courteously stated, is in error. In the above excerpt of the instant Office Action, the Office states that neither Choi, et al., or Hoppe, et al., disclose all of the instantly claimed molecules but each

disclose other compounds that are not the same as the compounds claimed in previously presented Claim 1. This statement by the Office, respectfully stated, shows these are separate and disparate chemical compounds having different chemical formulas and functionalities.

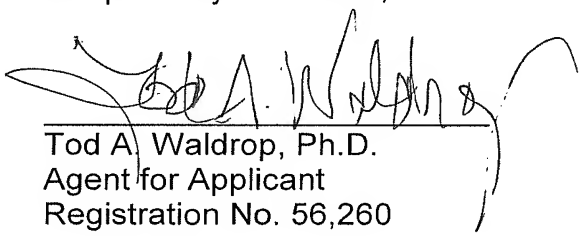
In order to make a *prima facie* case of obviousness, it is beyond contention that each and every aspect of a claimed invention must be taught by the prior art. Here, the Office fails to establish a *prima facie* case for this exact reason. The prior art does not teach, disclose or suggest a combination of compounds according to formula (1') and formula (2') as defined by independent claim 1. Given this deficiency, for at least this reason, it is respectfully submitted that the Office has not made a *prima facie* case of obviousness with regard to claim 1, and all claims depending there from.

The remainder of the Office Action speaks to the rejections of claims that are either directly or independently directed to independent claim 1. For at least the reasons advanced above with respect to the rejection of independent claim 1 over Choi, et al., (Coloration Technology (2001), 117(3), 127-133) in view of Hoppe, et al., (US 5,160348), it is respectfully contended that these rejections have been traversed.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. The Examiner is requested to contact the agent for Applicant at the telephone number provided below if there are any questions regarding this response.

Respectfully submitted,



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